

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD APRIL 14, 2020**

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**PLEASE NOTE:**

Due to the public health emergency occasioned by the COVID-19 virus, this meeting was conducted electronically and/or by telephonic means. Public viewing of the meeting was available via a streaming/video service. A link to such service was also posted prior to the start of the meeting on the Township website [www.berkeleyheights.gov](http://www.berkeleyheights.gov) along with information for participating in the public comment portion of the meeting.

**CALL TO ORDER**

At 7:00 p.m. the Mayor called the meeting to order and the Township Clerk stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

**ROLL CALL**

The following Council members were present:

Gentiana Brahimaj  
Manuel Couto  
Jeanne Kingsley  
Alvaro Medeiros  
Stephen Yellin  
Angie D. Devanney, Mayor

The following Council members were absent:

Susan Poage

Also present were:

Township Attorney: Kraig Dowd  
Township Administrator: Liza Viana  
Township Clerk: Ana Minkoff

**FLAG SALUTE**

Mayor Devanney asked everyone present to stand for the Flag Salute.

Mayor and Council observed a moment of silence in memory of the 10 residents that were lost due to the COVID-19.

**CONFERENCE SESSION**

**Connell**

Mr. Hughes, Township Planner, presented an overview of the proposed rezoning of the Connell property to allow for mixed-use. He was accompanied by Mr. Intindola, Traffic Engineer, and Mr. Jessup, Redevelopment Attorney. Mr. Intindola reported on the potential traffic impact of this project.

Mayor and Council provided feedback and asked questions. There was a brief discussion.

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Mayor Devanney opened the discussion on this topic to the public.

Ms. Illis of 102 Twin Falls Road voiced her concern with this moving forward without the analysis being done on the impact to residential streets in the area, Twin Falls included. Mr. Hughes responded.

Mr. Couto questioned the presumed vacancy rate. Mr. Jessup responded and there was a detailed discussion.

Ms. Illis followed up rezone for more flexibility for portions which are not anticipating development. Mr. Hughes responded.

Mr. Romond of 16 Twin Falls Road stop to the traffic issues with Twin Falls

Mr. Bochner of 29 Cinnamon Tree Road asked about the vision of the project as compared to the Master Plan. Mr. Hughes responded.

Ms. Walsh of 293 Diamond Hill Road asked about and addressed her concerns about the additional traffic on Diamond Hill Road. Mr. Intindola responded. Mr. Yellin asked about his response and Mr. Intindola clarified.

Mr. Maciejewski of 40 Ralph Place noted his agreement with the previous comments on the traffic effect on Twin Falls. He asked about the impact of the “2<sup>nd</sup>” downtown on the current downtown. Mayor Devanney responded.

Mr. Maciejewski asked if the existing businesses in Berkeley Heights have signed off on this project. Mayor Devanney responded and there was a brief discussion.

## **TOWNSHIP COUNCIL REPORTS**

**Mrs. Brahimaj** reported on the following topics:

- Communications Committee

Mrs. Brahimaj shared her sentiments and also spoke about the current pandemic.

**Mr. Couto** spoke about the current pandemic.

**Mrs. Kingsley** reported on the following topics:

- Budget

Mrs. Kingsley also spoke about the current pandemic.

**Mr. Medeiros** reported on the following topics:

- Environmental Commission
- Recycling Taskforce
- Mayor’s Wellness Campaign

Mr. Medeiros also spoke about the current pandemic.

**Mr. Yellin** reported on the following topics:

- Historic Preservation Committee
- Communications Committee

Mr. Yellin also spoke about the current pandemic.

## ADMINISTRATION REPORTS

**Mayor Devanney** reported on the current COVID-19 pandemic. She highlighted her involvement to stay abreast of the situation in the township and in the State. She spoke about the work to keep residents informed and addressed the impacts of the situation on the township.

**Ms. Viana** reported on the individual Township departments. These departments include Public Works, Construction, Engineering, Wastewater Treatment, Recreation and Zoning.

### Approval of Township Council and Administration Reports

Mover: Mrs. Kingsley  
Seconder: Mr. Yellin  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

***Result: Approved***

## APPROVAL OF MINUTES

### Approval of Minutes:

#### Public Meeting – January 14, 2020

Mover: Mrs. Kingsley  
Seconder: Mr. Medeiros  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley and Mr. Medeiros  
Nays: None  
Abstain: Mr. Yellin  
Absent: Mrs. Poage

***Result: Approved***

Mayor Devanney noted that the Ordinance originally on the Agenda to be introduced tonight has been pulled. It will be introduced at a later date.

## HEARING ON AGENDA ITEMS AND CITIZENS HEARING

Mayor Devanney read a statement regarding the procedures for public comment given the virtual (ZOOM) meeting.

### Opening of the Hearing on Agenda Items and Citizens Hearing

Mover: Mrs. Kingsley  
Seconder: Mr. Yellin  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None

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Absent: Mrs. Poage

Mr. Maciejewski of 40 Ralph Place asked about the timing, source and details of the proposed “No Knock” Ordinance. Mrs. Kingsley and Council responded.

Mr. Maciejewski asked if the Cap Bank was being introduced tonight. Mayor Devanney responded.

Mr. Sincaglia of 22 Robbins Avenue asked about reason and funding for the change order for the New Municipal Complex. Mr. Chait, the construction manager, responded.

Mr. Sincaglia asked if the additional deaths in the Township from the Coronavirus were also in a nursing home facility. Mayor Devanney responded.

Mr. Sincaglia asked about any impact the Connell rezoning will have on the previously agreed upon affordable housing obligation. Mayor Devanney and Mr. Jessup responded.

Mr. Sincaglia asked about the budget salary lines in the proposed 2020 budget compared to 2019. Mrs. Kingsley responded.

Mr. Martinez of 6 Archer Lane asked for an update and status on what’s being done with regards to the Federal CARES Act and relief/assistance for property taxpayers. Mayor Devanney responded.

Mr. Bochner of 29 Cinnamon Tree Lane commented on shared his concerns with the No Knock list

Mr. Bochner addressed his previously raised concerns with the Pay-to-Play issue and campaign financing transparency. He gave an update since he first raised the issue to the Council. He also cited specific concerns with regards to the contract with MAST and their campaign contributions.

**Closing of the Hearing on Agenda Items and Citizens Hearing**

Mover: Mrs. Kingsley  
Seconder: Mr. Couto  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

**APPROVAL OF RESOLUTIONS**

1. Resolution approving Bill List dated April 14, 2020, in the amount of \$2,989,431.73.

**Approval of Resolution**

Mover: Mrs. Kingsley  
Seconder: Mr. Medeiros  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

***Result: Approved***

2. Resolution authorizing changes to the scope of the Municipal Complex Redevelopment Project.

Approval of Resolution

Mover: Mrs. Kingsley  
Seconder: Mr. Medeiros  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

***Result: Approved***

3. Resolution amending the 2020 Temporary Appropriations.

Approval of Resolution

Mover: Mrs. Kingsley  
Seconder: Mr. Yellin  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

***Result: Approved***

4. Resolution authorizing the execution of a third Amendment to the current Sewer Use Agreement with the Warren Township Sewerage Authority.

Approval of Resolution

Mover: Mrs. Kingsley  
Seconder: Mr. Couto  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

***Result: Approved***

5. Resolution requiring all Township employees to be compensated by direct deposit only commencing on May 1, 2020.

Approval of Resolution

Mover: Mrs. Kingsley  
Seconder: Mr. Couto  
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: Mrs. Poage

*Result: Approved*

## **CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

### **6. Consent Agenda Resolutions (a-b)**

- a. Resolution removing Nicholas Gamba, from the Active roster of the Berkeley Heights Volunteer Fire Department.
- b. Resolution removing Adam Traugh, from the Active roster of the Berkeley Heights Volunteer Fire Department.

Approval of Consent Agenda Resolutions # 6 a-b

Mover: Mrs. Kingsley

Seconder: Mr. Yellin

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin

Nays: None

Abstain: None

Absent: Mrs. Poage

*Result: Approved*

## **INTRODUCTION OF ORDINANCES**

The following Ordinance originally on the Agenda has been pulled from the Agenda and will not be Introduced.

**An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 5 of The Code of the Township of Berkeley Heights ("BUSINESS LICENSES AND REGULATIONS") to remove Chapter 5.08 ("CHARITABLE SOLICITATIONS"), and amend and supplement Chapter 5.20 ("PEDDLERS AND SOLICITORS").**

EXPLANATORY STATEMENT: This Ordinance amends the Township Code provisions regarding licenses for peddlers, solicitors, and canvassers, and establishes a "No Knock List."

**(PULLED)**

## **EXECUTIVE SESSION –**

Attorney-Client Privilege – Contract Negotiations- Stratton House

Move to go into Executive Session

**(8:28 pm)**

Mover: Mrs. Poage

Seconder: Mr. Yellin

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, and Mr. Yellin

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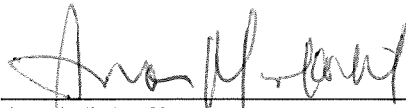
Nays: None  
Abstain: None  
Absent: Mrs. Poage

Mayor Devanney reminded all that they will be coming out of Executive Session only to adjourn.

**ADJOURNMENT**

Moved by Mr. Medeiros to adjourn and all were in favor.  
**(9:58 pm)**

**Approved: May 26, 2020**



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**Ana Minkoff**  
**Township Clerk**

